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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,865

11/21/2005

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05/28/2008

EXAMINER

FRANKS, RYAN J

ART UNIT

PAPER NUMBER

3633

MAIL DATE

DELIVERY MODE

05/28/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/536,865	<b>Applicant(s)</b> SOMERVILLE, DECLAN	
	<b>Examiner</b> RYAN J. FRANKS	<b>Art Unit</b> 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:  
  
In the Description of the Drawings section, the description of Fig. 1 is inaccurate, or at the very least, unclear. Fig. 1, as best understood, shows two extrusions 10 interlocked, not only "an extrusion".  
  
The description of Fig. 2, the word "is" should be replaced with "in" or "is a".  
  
Appropriate correction is required.

### ***Claim Objections***

2. Claims 1-5 are objected to because of the following informalities:  
  
In claims 1-5, the phrase "characterized in that" is objected to as being indefinite. Examiner suggests this be changed to "wherein" or another appropriate term.  
  
In claim 1, a comma should be inserted in line 3 between "chambers" and "said".  
  
In claim 4, there is a lack of antecedent basis for "the closed side wall".  
  
Examiner has interpreted this to mean "the shorter sides".  
  
Appropriate correction is required.

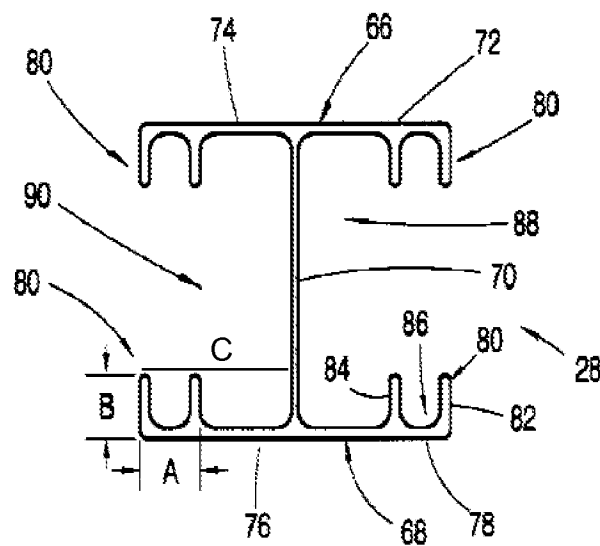
***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Bullard (US Patent 6,185,878).



**FIG. 8**

Fig. 8 from Bullard

Regarding claim 1, Bullard discloses an “extrusion (column 4, line 15; Fig. 8 in general) [having] a central wall portion (70) and a surrounding perimeter portion (72/74/76/78),

whereby the central wall divides the extrusion into opposing chambers (88/90), said perimeter portion having a respective opening therein into each of said chambers (lack of material at left of 90 and at right of 88) and each chamber being able to have a perimeter portion of a further extrusion locked thereinto to form an interlocked unit.”

Two extrusions are able to interlock by inserting an edge of one extrusion into chamber of another. For example, an extrusion having the same external dimensions as the internal dimension of the chamber could be inserted into the chamber.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullard (US Patent 6,185,878).

Regarding claim 2, Bullard discloses that the perimeter has opposing pairs of sides but lacks that one pair of sides is longer than the other pair of sides. It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the shape of the extrusion, for example, by making the right and left sides of Fig. 8 longer than the top and bottom sides of Fig. 8 thus having the longer sides contain the

openings to the chambers 90 and 88, since a change of shape has been held to be within the skills to one of ordinary skill in the art as a matter of obvious design choice. (See MPEP 2144.05).

Regarding claim 3, Bullard discloses that "the central wall divides the extrusion into two chambers of equal dimension." At Fig. 8, central wall 70 forms chambers 88 and 90 which are seen to be of equal size.

Regarding claim 4, Bullard discloses that "the closed side wall has external dimension that corresponds to the length of the central wall". The shorter sides as indicated with claim 2 at 66 and 68 are seen to be the same size as central wall 70 in Fig. 8.

Regarding claim 5, Bullard discloses the apparatus as described above with claim 2 but lacks that "the external length of edges of the open, longer sides corresponds to the distance between the central wall and the inner surface of the longer wall." It would have been obvious to one of ordinary skill in the art at the time the invention was made to change the shape of the extrusion, for example, by making dimension B in Fig. 8 equal to examiner indicated dimension C, since a change of shape has been held to be within the skills to one of ordinary skill in the art as a matter of obvious design choice. (See MPEP 2144.05).

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullard (US Patent 6,185,878) in view of Vassiliadis (US Patent 4,704,832).

Regarding claim 6, Bullard discloses the apparatus of claims 1-5 as discussed above, but lacks that two extrusions are interlocked. Vassiliadis teaches that it is known in the art to interlock structural elements (Figs. 6 and 7 in general) with closed sides (Fig. 1A, element 10) being inserted into open sides (near 12; between closed sides 10).

Interlocking two extrusions allows structures to be built which have width and more rigidity than would exist with one extrusion alone.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to interlock two extrusions of Bullard in a manner similar to that of Vassiliadis in order to make structures which have width and more rigidity than would exist with one extrusion alone.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. FRANKS whose telephone number is (571) 270-3743. The examiner can normally be reached on Mon.-Thurs., 8:30-7:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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